

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ENRIQUE AKIL DIAZ, #1249219	§	
VS.	§	CIVIL ACTION NO. 2:06cv86
DIRECTOR, TDCJ-CID	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Caroline M. Craven. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. Petitioner filed objections to the Report.

This Court made a *de novo* review of Petitioner's objections and determined that they lack merit. Petitioner merely reiterates his claims that his guilty plea was involuntary; that the trial court erred by denying his motions to sever, suppress physical evidence, and suppress an illegal identification; that his due process rights were violated because he was not given a competency hearing based on a prior determination that he was incompetent; and that his indictment was defective. Petitioner's objections provide no assertion of any consequences of his plea that he did not understand.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED WITH PREJUDICE**;

ORDERS that Petitioner is **DENIED** a certificate of appealability; and,

ORDERS that all motions not previously ruled on are denied.

So ORDERED and SIGNED this 16th day of March, 2007.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE